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Compilation on the Congo

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In declaring its candidacy for re-election to the Human Rights Council, the Congo reiterated its commitment to the human rights protection mechanisms and the universal periodic review. It undertook to implement the recommendations resulting from the universal periodic review and those of the treaty bodies.[3]

3. The Committee against Torture[4] and the Committee on the Rights of the Child[5] invited the Congo to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

4. The Office of the United Nations High Commissioner for Refugees (UNHCR),[6] the Committee against Torture[7] and the Committee on the Rights of the Child recommended that the Congo should ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[8]

5. The Committee against Torture invited the Congo to consider speeding up the process of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[9] The Committee on the Rights of the Child made similar recommendations, and also recommended that the Congo ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure[10] and the Hague Convention on Protection of

Children and Cooperation in respect of Intercountry Adoption.[11] The Working Group on Enforced or Involuntary Disappearances called upon the Congolese Government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservation.[12]

6. The Committee on the Rights of the Child[13] and the Committee against Torture[14] recommended that the Congo ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa.

7. The Committee against Torture invited the Congo to make the declaration provided for in article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State party of the provisions of the Convention.[15]

8. The Committee on the Rights of the Child urged the Congo to fulfil its reporting obligations under the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the reports on which were both overdue.[16]

9. The Committee also recommended that the Congo consider ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).[17]

III. National human rights framework[18]

10. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that a new Constitution had been promulgated on 6 November 2015. It had been adopted by referendum on 25 October 2015. This text guarantees the right to education and equal access to education and training. It also provides that "no person may gain advantage or suffer disadvantage by reason of his or her family background, ethnicity, social status or political, religious, philosophical or other beliefs" and establishes the equality of men and women before the law.[19]

11. The Committee against Torture recommended that the Congo should incorporate into the Criminal Code a specific definition of torture covering all the elements of the definition contained in article 1 of the Convention against Torture, and a provision on the non-applicability of statutory limitations to the crime of torture.[20]

12. The Committee noted that the Congo had no legislation establishing universal criminal jurisdiction over acts of torture. The Committee invited the Congo to incorporate into its domestic legislation provisions establishing universal criminal jurisdiction in keeping with article 5 of the Convention against Torture.[21]

13. The Working Group on Enforced or Involuntary Disappearances recommended that, particularly in the light of the persistent instability and tensions in the country, the Government of the Congo should consider establishing a commission tasked with bringing about peace and reconciliation.[22]

14. The Committee against Torture noted that, in 2013, in the context of the universal periodic review, the Congo had accepted recommendations to reinforce the mandate of the National Human Rights Commission, which still did not meet the criteria for A status under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Committee recommended that the Congo should ensure that the National Human Rights Commission was in full compliance with the Paris Principles and had sufficient financial resources to operate; guarantee its institutional independence; and empower it to refer matters to the courts.[23]

15. The Committee on the Rights of the Child urged the Congo to establish, either within or outside the National Human Rights Commission, a specific mechanism for monitoring children's rights, with the capacity to receive, investigate and address

complaints by children in a child-sensitive manner. It also recommended that the Congo ensure the independence of such a monitoring mechanism, in full compliance with the Paris Principles.[24]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[25]

16. The Committee on the Rights of the Child was concerned about the widespread ethnic-based discrimination against children belonging to indigenous groups; discrimination against children living in isolated, rural areas in the enjoyment of their rights, particularly regarding access to health services, food, water, schooling and birth registration; discrimination against children in street situations and refugee children; discrimination and prejudice against children with albinism; and the multiple gender-based discrimination against girls. The Committee recommended that the Congo make systematic, adequate and effective efforts to address those patterns of discrimination.[26]

17. UNHCR recommended that the Congo ensure that adequate human and material resources were provided for the functioning of the birth registration system, and that it enforce the current legislation on free birth registration by ensuring that all fees requested at any stage of the process were cancelled.[27]

2. Development, the environment, and business and human rights[28]

18. As part of the Decent Work Country Programme for the Congo, ILO has helped to prepare a strategy to implement national policies and programmes on employment, social protection, fundamental labour rights and social dialogue.[29]

19. The Committee on the Rights of the Child recommended that the Congo ensure the implementation by companies, especially industrial companies, of international and national environmental and health standards; ensure the effective monitoring of implementation of those standards and impose sanctions and provide remedies when violations occurred; and require companies to undertake public disclosure of the environmental, health-related and human rights impacts of their business activities, and their plans to address such impacts.[30]

B. Civil and political rights

1. Right to life, liberty and security of person[31]

20. In 2018, the United Nations High Commissioner for Human Rights welcomed the ceasefire agreement between the Government and armed groups to end the crisis in the Pool region. Since 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been discussing with the Government the need for a genuinely independent and effective national commission of inquiry on allegations of extrajudicial killings and other serious violations, as it had repeatedly recommended in its assessment and follow-up missions.[32] In 2017, the High Commissioner welcomed the Government's commitment to addressing the situation of the many people in allegedly illegal detention. Swift action by the Government was expected to move forward on those matters.[33]

21. The Committee against Torture was deeply concerned about the numerous allegations of acts of torture and ill-treatment committed in the country's places of detention, particularly at police stations, at the Directorate-General of National Security and at gendarmeries. The Committee recommended that the Congo should immediately take effective measures to investigate all acts of torture, prosecute and punish those responsible

and ensure that torture was not used, including by unambiguously reaffirming the absolute prohibition of torture.[34]

22. In 2017, the Working Group on Arbitrary Detention found the deprivation of liberty of three nationals of the Congo to be in contravention of articles 7, 9 and 14 of the International Covenant on Civil and Political Rights, and thus arbitrary. The Working Group requested the Government to take the steps necessary to remedy the situation of those individuals without delay, to release them immediately and to accord them an enforceable right to compensation and other reparations, in accordance with international law.[35]

23. The Committee against Torture was alarmed at the large number of allegations it had received of arbitrary arrests and detentions, the failure to observe time limits on police custody, irregularities in the keeping of official registers and the failure to observe the right of all detained persons to inform their relatives of their detention.[36]

24. The Committee recommended that the Congo should take effective measures to ensure that the fundamental legal safeguards to protect persons arrested by the police were upheld, in law and in practice, including the following: the right of such persons to be promptly informed of the grounds of their arrest and their rights, in writing, in a language they understood, from the outset of detention; the right to see a lawyer from the moment of arrest and the right to receive effective free legal aid; the right to be brought before a judge within the period provided for by law; the right to be examined by an independent doctor free of charge; the obligation to keep official detention registers; and the right of all detained persons to inform their relatives of their detention.[37]

25. The Committee was concerned at the lack of specific legal provisions establishing that the declaration of a state of emergency or any other exceptional circumstances did not permit any derogation from the absolute prohibition of torture. The Committee recommended that the Congo should enshrine in its Constitution and specify in its laws the principle of the absolute prohibition of torture.[38]

26. The Committee shared the alarming assessment of detention conditions provided by the Congo itself, and recommended that the country should intensify its efforts to reduce prison overcrowding; give prisons adequate resources to provide health-care services and ensure that all detainees had access to medical assistance; provide prisons with adequate resources to eliminate undernourishment; continue to implement plans to improve and develop the infrastructure of prisons and provide separate detention facilities for juvenile offenders and women; and set up social reintegration programmes for prisoners.[39]

27. UNHCR recommended that the Congo provide training on human rights for law enforcement agents and ensure that police operations were conducted in accordance with human rights principles and standards and the country's international commitments.[40]

2. Administration of justice, including impunity, and the rule of law[41]

28. The Committee against Torture invited the Congo to put in place the necessary conditions to ensure that all victims of torture or cruel, inhuman or degrading treatment or punishment could file a complaint; and to take all necessary legal and administrative steps to ensure the protection of victims of torture or cruel, inhuman or degrading treatment or punishment, members of their families and witnesses.[42]

29. The Working Group on Enforced or Involuntary Disappearances noted that impunity seemed to remain a problem in the Congo; it seemed that no steps had been taken to combat enforced disappearance or to investigate when it occurred. The Working Group reiterated its recommendation that all effective measures should be taken to prevent and combat impunity for those responsible for acts of enforced disappearance. It also reiterated its recommendation that the Congolese authorities should conduct effective investigations through competent and independent bodies with the capacity to investigate the fate of victims of enforced disappearance in the territory of the Congo and to cooperate with the various United Nations special rapporteurs and the Working Group.[43]

30. The Committee against Torture was concerned at reports of impunity in cases of enforced disappearance, torture or ill-treatment. The Committee recommended that the

Congo should take the appropriate measures to ensure that all allegations of enforced disappearance, torture, ill-treatment or death in custody were promptly, thoroughly and impartially investigated and that the perpetrators of such acts were prosecuted and, if found guilty, given sentences commensurate with the gravity of the offence.[44]

31. The Committee on the Rights of the Child reiterated its concern that children's judges were not always available and that children were placed in detention with adults, often in very difficult conditions. It was also concerned that children faced difficulties in gaining access to legal aid.[45]

32. The Committee also expressed concern that there was no minimum age of criminal responsibility, that judges decided on a case-by-case basis whether a child incurred a criminal penalty or not, and that the detention of children in conflict with the law, even of young children, was preferred over the development of alternative measures. It urged the Congo to reform its Code of Criminal Procedure, establishing an internationally accepted minimum age of criminal responsibility, to establish specialized juvenile court facilities and procedures with adequate resources, and to ensure that specialized judges for children were available throughout the State and that all public officers dealing with juvenile justice received appropriate education and training.[46]

3. Fundamental freedoms and the right to participate in public and political life

33. On 13 April 2016, the United Nations High Commissioner for Human Rights stated that, since the presidential elections that had been held on 20 March 2016, there had been reports that security operations had been conducted against opposition leaders and supporters, including mass arrests and torture in detention, as well as the killing and displacement of people from southern Brazzaville. The High Commissioner called on the Government, political leaders and their supporters to endeavour to resolve all differences peacefully and within the law, and to eschew violence in the exercise of the rights to freedom of expression, association and peaceful assembly.[47]

4. Prohibition of all forms of slavery[48]

34. The Committee on the Rights of the Child remained concerned at the persistence of exploitation of and sexual violence affecting children, particularly girls under 13 years of age, and that cases of exploitation and sexual violence were not systematically investigated and perpetrators were not prosecuted.[49] It was also concerned that some forms of slavery and trafficking persisted, affecting mainly indigenous children. It recommended that the Congo take all the necessary measures to eradicate slavery and trafficking within the country.[50]

35. The Committee also urged the Congo to strengthen mechanisms to prevent and monitor human trafficking and the exploitation of children, including at the local level, and, at the same time, to undertake preventive action to improve living conditions and economic opportunities, as well as pursuing efforts for transnational collaboration on combating the trafficking of children.[51]

5. Rights to privacy and family life

36. The same Committee was concerned about the unequal parental responsibilities of the mother and the father, ingrained in law and in practice. It urged the Congo to accelerate its efforts to revise the Family Code and to ensure that all provisions that discriminated against women were repealed. It also recommended that the Congo provide families with the necessary support to enable them to fulfil their obligations towards their children and to ensure their well-being and development.[52]

C. Economic, social and cultural rights

37. The Committee noted that corruption remained pervasive, despite efforts by the Congo to eliminate it, and expressed its concern about the lack of information on budgetary monitoring and accountability mechanisms. It recommended that the Congo strengthen

measures to combat corruption and strengthen institutional capacities to detect, investigate and prosecute corruption effectively.[53]

1. Right to work and to just and favourable conditions of work[54]

38. The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to take the necessary measures to ensure that, in both law and in practice, persons who participated peacefully in a strike could not be liable to penal sanctions under which they might be sentenced to imprisonment.[55]

2. Right to social security[56]

39. The Committee on the Rights of the Child noted with concern that, despite earnings from the country's oil sector, its social indicators had not improved and investment in the social sectors continued to be insufficient for all children.[57]

3. Right to an adequate standard of living[58]

40. The same Committee urged the Congo to implement its previous recommendation to take adequate measures to reduce poverty and deprivation levels so that children could enjoy an adequate standard of living, particularly with respect to access to safe drinking water and sanitation, housing and education. It encouraged the Congo to develop universal, long-term public policies in those areas and to guarantee access to health services and schools, free of charge, for all children.[59]

4. Right to health[60]

41. UNHCR recommended that the Congo strengthen its health and education systems, especially in remote localities, by ensuring adequate material and human resources, including equipment and training for teachers and medical professionals.[61]

42. The Committee on the Rights of the Child welcomed the strategies adopted by the Congo to reduce the high maternal and child mortality rates, to manage childhood illness, to improve the treatment of malnutrition and to reduce malaria. It urged the Congo to ensure the provision of primary health-care services for all pregnant women and children, which should include access to sanitation and clean drinking water, and to strengthen access to preventive health-care and therapeutic services for all pregnant women and children.[62]

43. The Committee was concerned that HIV/AIDS was one of the main causes of death in the Congo. It called on the Congo to improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and the immediate initiation of treatment, and to improve access to high-quality, age-appropriate HIV/AIDS, sexual and reproductive health services, particularly for adolescents.[63]

5. Right to education[64]

44. UNESCO recommended that the Congo should strengthen the constitutional provisions relating to education, including its provision free of charge; explicitly guarantee equitable and inclusive access to education for all; and prohibit discrimination, particularly in the education sector. Moreover, the Congo should continue its efforts to ensure that boys and girls had equal access to education at all levels.[65]

45. The Committee on the Rights of the Child remained concerned that parents continued to have to pay registration fees for examinations and for lesson notes, and other unofficial charges. It recommended that the Congo guarantee the right to free mandatory education, take the necessary measures to ensure that all children were enrolled in school, and pay particular attention to disparities in access to schools based on sex and socioeconomic, ethnic and regional grounds.[66]

46. In view of the fact that compulsory schooling was one of the most effective means of combating child labour, the ILO Committee of Experts urged the Government to step up its efforts to ensure that children below the minimum age of 14 years for admission to work or employment were integrated into the education system, and to ensure high-quality education free of charge.[67]

47. The Committee on the Rights of the Child remained concerned that vulnerable groups of children, particularly indigenous and poor children, girls and children with disabilities, continued to face difficulties in enjoying access to education. It recommended that the Congo provide additional school facilities, particularly in rural areas, and incorporate schools for indigenous children into the national budget, to increase access to education for all children.[68]

D. Rights of specific persons or groups

1. Women[69]

48. The Committee against Torture invited the Congo to adopt a comprehensive law punishing all forms of violence against women, including marital rape, female genital mutilation and the sexual abuse and exploitation of women in prison and in conflict areas.[70]

49. The Committee on the Rights of the Child remained concerned that female genital mutilation was still practised among some West African communities living in the Congo. It reiterated its previous recommendation that the Congo adopt legislation to prohibit such harmful practices and take well-targeted measures to ensure the eradication of female genital mutilation in all communities living on its territory, including through widespread awareness-raising campaigns. It also recommended criminalizing female genital mutilation.[71]

50. UNESCO recommended that the Congo should continue its efforts to combat female genital mutilation, including through awareness-raising campaigns in schools.[72]

2. Children[73]

51. The Committee on the Rights of the Child encouraged the Congo to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration. Such procedures and criteria should be disseminated to the public, including traditional leaders, public and private social welfare institutions, courts of law, administrative authorities and legislative bodies.[74]

52. The Committee expressed its concern about the widespread violence against children, particularly girls, and that, according to the evaluation of the Congo itself, perpetrators of child abuse and neglect enjoyed a high degree of impunity. The Committee recommended that the Congo encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing them with training support. It also recommended developing a comprehensive national strategy to prevent and address all forms of violence against children.[75]

53. While taking note of the measures adopted by the Congo for the protection of children with albinism, the Committee remained seriously concerned that children with albinism were still often exposed to life-threatening situations. It recommended that the Congo develop and implement awareness-raising campaigns against superstitious beliefs concerning children with albinism, and investigate, prosecute and, where appropriate, punish perpetrators of acts of homicide targeting children with albinism.[76]

54. The Committee was concerned about the situation of children working and living on the street in major urban centres. It recommended that the Congo develop a national strategy aimed at preventing children from living and/or working on the streets, as well as at supporting children in street situations and ensuring that they were provided with a suitable programme of assistance. It also recommended taking measures to eradicate discrimination against children in street situations.[77]

55. The ILO Committee of Experts requested that the Government take immediate and effective measures to ensure that section 334 of the Penal Code, which penalized the procuring or offering of a child for prostitution, was applied effectively.[78]

56. The Committee on the Rights of the Child reiterated its previous recommendation that the Congo take effective measures to protect children from torture and other cruel, inhuman or degrading treatment. It urged the Congo to investigate all reported cases and prosecute military personnel, law enforcement officials or any person acting in an official capacity responsible for such acts and ensure that all child victims of torture or cruel, inhuman or degrading treatment were provided with access to physical and psychological recovery and social reintegration, as well as compensation. It also recommended establishing a child-sensitive mechanism to receive complaints from children who might have been victims of torture or cruel, inhuman or degrading treatment by law enforcement officials.[79]

57. While welcoming the prohibition of corporal punishment to discipline a child, as provided in Law No. 4-2010 on the protection of the child, the Committee remained concerned that children still suffered violent corporal punishment at home and at school. It called on the Congo to ensure the full implementation of Law No. 4-2010 and that all cases of corporal punishment were investigated and prosecuted.[80]

58. The ILO Committee of Experts urged the Government to provide information on the measures taken to apply section 68 of the Child Protection Act. It also requested that the Government take specific measures to adapt and strengthen the labour inspection services in order to ensure that children under 14 years of age who worked on their own account or in the informal economy, especially in rural areas, enjoyed the protection afforded by the ILO Minimum Age Convention, 1973 (No. 138).[81] The Committee on the Rights of the Child was concerned that, despite the existence of legal instruments prohibiting child labour, particularly in its worst forms, the law enforcement mechanisms were rarely implemented. It urged the Congo to take immediate and effective measures to eliminate the worst forms of child labour.[82]

59. The same Committee recommended taking practical measures to enforce the legal prohibition of child and forced marriage.[83]

60. Furthermore, it urged the Congo to establish a comprehensive and clear policy on family support with a view to increasing the provision of universal basic preventive and early intervention services to address the out-of-family placement of children and the situation of children working in the streets.[84]

61. The Committee expressed concern that unofficial family placement of children was carried out without State registration or supervision. It urged the Congo to ensure that all care institutions and children's shelters were adequately registered and conformed to existing norms and standards of practice for the protection and well-being of children deprived of a family environment.[85]

62. The Committee remained concerned about the large number of children that were still not registered, the insufficient number of civil registry offices in remote areas and the insufficient awareness of the importance of registration. It urged the Congo to establish an efficient and accessible birth registration system covering its entire territory so that all children were registered immediately after birth, and to ensure that undue payments, such as for late registration, were not imposed.[86]

63. The Committee also called on the Congo to establish a comprehensive national policy and guidelines governing adoption and a central control mechanism to ensure that domestic and intercountry adoptions were performed in full compliance with the best interests of the child and the appropriate legal guarantees, in accordance with the Convention on the Rights of the Child.[87]

64. The ILO Committee of Experts requested the Government to take effective and time-bound measures to ensure that child soldiers who had already been or would be removed from armed groups, particularly girls, would receive adequate assistance with regard to social rehabilitation and integration, including through reintegration into the school system or into vocational training, as applicable.[88]

3. Persons with disabilities[89]

65. The Committee on the Rights of the Child noted with interest the National Plan of Action for Persons with Disabilities and the strategic framework on schooling and re-schooling of children with disabilities, but was concerned at their slow implementation. It recommended that the Congo take practical measures to encourage the inclusion of children with disabilities in the mainstream educational system and in society.[90]

66. UNESCO recommended that the Congo should take practical steps to promote the inclusion of children with disabilities in the education system by organizing dedicated training courses for teachers and ensuring that the needs of persons with disabilities were fully taken into account in the facilities provided in schools.[91]

4. Minorities and indigenous peoples[92]

67. The ILO Committee of Experts reiterated its request that the Government provide information on measures taken to ensure indigenous peoples' access to education, land and resources, especially those that allowed them to practise their traditional activities. The Committee also asked the Government to take steps to combat the discrimination, stereotypes and prejudices of which indigenous peoples were victims and to better inform them of their rights, including in terms of access to justice, and to promote a climate of respect and tolerance between all sections of the population.[93]

68. While welcoming Law No. 5-2011 on the promotion and protection of indigenous peoples, the Committee on the Rights of the Child was concerned that its implementing decree has not been finalized and that the law remained widely unknown. The Committee was also concerned that indigenous children continued to experience exclusion, violence and discriminatory practices in accessing their rights, including their rights to birth registration, education, access to justice and a life free from labour exploitation. The Committee also noted with concern that indigenous girls were at greater risk of abuse, exploitation and trafficking.[94]

69. The Committee urged the Congo to strengthen efforts to secure the physical integrity of indigenous children, and to implement affirmative measures and develop a new national plan of action to ensure that indigenous children gained de facto enjoyment of their rights, particularly in the areas of birth registration, health and education.[95]

5. Migrants, refugees, asylum seekers and internally displaced persons[96]

70. UNHCR indicated that the Congo had been delaying the adoption of legislation specific to asylum since December 2011. The restrictive application and interpretation of the existing instruments, together with the lack of focus on refugees' rights on the part of the National Refugee Assistance Committee had undermined the protection framework for refugees and asylum seekers. Access to identity documents granting an alternative status was not the only area where refugees faced restrictions. In fact, there were no specific provisions regulating the delivery of services and resources to foster refugees' self-reliance, such as access to the labour market and economic sectors.[97]

71. UNHCR stated that the Congo was facing challenges in managing a displacement crisis with political origins, which had resulted in more than 107,000 internally displaced persons in the Pool region. A humanitarian response plan had been launched in 2017 to support government efforts to address the situation. On 23 December 2017, the Government had signed a peace agreement with representatives of the militia operating in the region. The 2018 Humanitarian Response Plan, launched in March 2018, had an early recovery component to consider eventual returns, given that a peace process had been triggered.[98]

72. The Committee against Torture welcomed the continued efforts made by the Congo to ensure access to its territory. Nevertheless, the Committee noted with concern the current lack of a comprehensive law on asylum and refugees. The Committee was also concerned at allegations of acts of physical abuse, ill-treatment and sexual violence by the police against a large number of foreign nationals in the wake of a police operation in April 2014.[99]

73. The Committee recommended that the Congo should ensure that asylum seekers and refugees were detained only as a last resort and, where it was necessary, for as short a period as possible.[100]

74. The Committee on the Rights of the Child commended the cooperative approach of the Congo towards refugees, including many children. However, it was concerned about the hardship of refugees and asylum seekers' living conditions, especially those of refugee and asylum-seeking children, about incidents of sexual and gender-based abuse and degrading treatment of children, mostly girls, and about high school dropout rates among refugee children, particularly girls. The Committee recommended that the Congo take all the necessary measures to improve the living conditions of asylum-seeking and refugee children.[101]

75. UNHCR recommended that the Congo take concrete steps to adopt the draft asylum law and issue implementation decrees, paying specific attention to refugee children and refugees' access to labour in order to promote their self-reliance. It also recommended eliminating restrictions on access to five-year residence permits for refugees interested in local integration.[102]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Congo will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/CGIndex.aspx.
[2] For the relevant recommendations, see A/HRC/25/16, paras.111.1–111.19, 111.21–111.24, 111.26–111.28, 111.51, 111.66–111.67, 111.73–111.77, 111.80 and 1112.1. See also A/HRC/25/16/Add.1, paras. 7–17 and 23–28.
[3] A/69/377, p. 5.
[4] See CAT/C/COG/CO/1, para. 7.
[5] See CRC/C/COG/CO/2-4, para. 83.
[6] UNHCR submission for the universal periodic review of the Congo, p. 4.
[7] See CAT/C/COG/CO/1, para. 18.
[8] See CRC/C/COG/CO/2-4, para. 71.
[9] See CAT/C/COG/CO/1, para. 24.
[10] See CRC/C/COG/CO/2-4, para. 83.
[11] Ibid., para. 54.
[12] See A/HRC/33/51/Add.7, para. 7.
[13] See CRC/C/COG/CO/2-4, para. 78.
[14] See CAT/C/COG/CO/1, para. 19.
[15] Ibid., para. 25.
[16] See CRC/C/COG/CO/2-4, para. 84.
[17] Ibid., para. 75.
[18] For the relevant recommendations, see A/HRC/25/16, paras. 111.25, 111.30–111.46, 111.48–111.50, 111.59 and 111.84. See also A/HRC/25/16/Add.1, paras. 18–22.
[19] See UNESCO submission for the universal periodic review of the Congo, para. 1.
[20] See CAT/C/COG/CO/1, para. 8.
[21] Ibid., para. 14.
[22] See A/HRC/33/51/Add.7, para. 17.
[23] See CAT/C/COG/CO/1, para. 9.
[24] See CRC/C/COG/CO/2-4, para. 21.
[25] For the relevant recommendations, see A/HRC/25/16, paras. 111.78 and 114.1–114.2.
[26] See CRC/C/COG/CO/2-4, paras. 28–29.
[27] UNHCR submission, p. 4.
[28] For the relevant recommendation, see A/HRC/25/16, para. 111.70.
[29] See www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_560918.pdf.
[30] See CRC/C/COG/CO/2-4, para. 27.
[31] For relevant recommendations, see A/HRC/25/16, paras. 111.62, 111.71, 111.91–111.92 and 111.105–111.110.
[32] Human Rights Council, thirty-seventh session, oral statement of the High Commissioner for Human Rights, 7 March 2018.
[33] Human Rights Council, thirty-sixth session, oral statement of the High Commissioner for Human Rights, 11 September 2017.

[34] See CAT/C/COG/CO/1, para. 10.
[35] See A/HRC/WGAD/2017/25, paras. 37–39.
[36] See CAT/C/COG/CO/1, para. 11.
[37] Ibid.
[38] Ibid., para. 12.
[39] Ibid., para. 13.
[40] UNHCR submission, p. 5.
[41] For relevant recommendations, see A/HRC/25/16, paras. 111.20, 111.60 and 111.111–111.115.
[42] See CAT/C/COG/CO/1, para. 15.
[43] See A/HRC/33/51/Add.7, paras. 9 and 12.
[44] See CAT/C/COG/CO/1, para. 16.
[45] See CRC/C/COG/CO/2-4, para. 80.
[46] Ibid., paras. 80–81.
[47] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19812&LangID=E.
[48] For relevant recommendations, see A/HRC/25/16, paras. 111.53–111.54, 111.63, 111.93–111.94 and 114.3.
[49] See CRC/C/COG/CO/2-4, para. 46.
[50] Ibid., paras. 74–75.
[51] Ibid., para. 79.
[52] Ibid., paras. 50–51.
[53] Ibid., paras. 16–17.
[54] For relevant recommendations, see A/HRC/25/16, paras. 111.20 and 111.26.
[55] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339029:NO.
[56] For relevant recommendations, see A/HRC/25/16, paras. 111.108 and 111.128.
[57] See CRC/C/COG/CO/2-4, para. 16.
[58] For relevant recommendations, see A/HRC/25/16, paras. 111.64, 111.69, 111.121–111.125 and 111.127–111.129.
[59] See CRC/C/COG/CO/2-4, paras. 64–65.
[60] For relevant recommendations, see A/HRC/25/16, paras. 111.65 and 111.130–111.132.
[61] UNHCR submission, p. 5.
[62] See CRC/C/COG/CO/2-4, paras. 58–59.
[63] Ibid., paras. 60–61.
[64] For relevant recommendations, see A/HRC/25/16, paras. 111.17–111.18, 111.52, 111.55, 111.57, 111.61, 111.71, 112.6–112.16 and 112.22.
[65] See UNESCO submission, paras. 11 and 13.
[66] See CRC/C/COG/CO/2-4, paras. 66–67.
[67] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340203:NO.
[68] See CRC/C/COG/CO/2-4, paras. 66–67.
[69] For relevant recommendations, see A/HRC/25/16, paras. 111.47, 111.53–111.54, 111.56, 111.58, 111.63, 111.79, 111.81–111.83, 111.85–111.90, 111.95–111.104, 111.116, 111.133, 111.138–111.139, 112.2–112.5 and 114.3.
[70] See CAT/C/COG/CO/1, para. 20.
[71] See CRC/C/COG/CO/2-4, paras. 62–63.
[72] UNESCO submission, p. 6.
[73] For relevant recommendations, see A/HRC/25/16, paras. 111.117–111.119.
[74] See CRC/C/COG/CO/2-4, para. 31.
[75] Ibid., paras. 44–45 and 48–49.
[76] Ibid., paras. 34–35.
[77] Ibid., paras. 76–77.
[78] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339104:NO.
[79] See CRC/C/COG/CO/2-4, paras. 42–43.
[80] Ibid., paras. 40–41.
[81] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340203:NO.
[82] See CRC/C/COG/CO/2-4, paras. 74–75.
[83] Ibid., paras. 62–63.
[84] Ibid., paras. 52–53.
[85] Ibid.
[86] Ibid., paras. 36–37.
[87] Ibid., para. 54.

[88] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339104:NO.
[89] For relevant recommendations, see A/HRC/25/16, paras. 112.19–112.20 and 112.29.
[90] See CRC/C/COG/CO/2-4, para. 57.
[91] See UNESCO submission, para. 15.
[92] For the relevant recommendation, see A/HRC/25/16, para. 112.21.
[93] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340209:NO.
[94] See CRC/C/COG/CO/2-4, para. 72.
[95] Ibid., para. 73.
[96] For relevant recommendations, see A/HRC/25/16, paras. 111.135–111.137.
[97] UNHCR submission, pp. 2–3.
[98] Ibid., p. 1.
[99] See CAT/C/COG/CO/1, para. 18.
[100] Ibid., para. 18.
[101] See CRC/C/COG/CO/2-4, paras. 70–71.
[102] UNHCR submission, p. 3.